

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

WILLIAM A. LARUE,

Plaintiff,

v.

Civil Action No. 2:09-0395

JIM RUBENSTEIN, Commissioner,
in his official capacity,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on November 24, 2009. The magistrate judge recommends that the court grant defendant's motion to dismiss. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

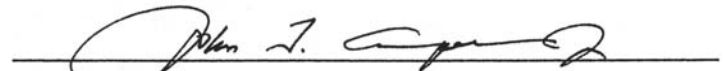
Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;

2. This action be, and it hereby is, dismissed and stricken from the docket.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: December 31, 2009



John T. Copenhaver, Jr.
United States District Judge